

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rodney Allen Powasson,

Case No. 21-CV-1230 (JRT/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Polk County, MN; Jeffrey Remick; Alan K. Kasprick, Prosecuting Attorney; Joel F. Arnason, Public Defender; N.W.R.C.C.; East Grand Forks Police Dep’t; and Northwest Regional Correctional Center,

Defendants.

In an order dated May 20, 2021, this Court ordered Rodney Allen Powasson to show cause why this matter should not be stayed pursuant to *Younger v. Harris*, 401 U.S. 37 (1971). (See Dkt. 3.) Powasson was given 30 days to explain why abstention would not be necessary pursuant to *Younger*, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Powasson has not responded to this Court’s May 20 order to show cause. In fact, Powasson has not communicated with the Court at all about this case since commencing this action. Moreover, Powasson can no longer be reached at the address he used to initiate this proceeding, and he has not provided any other means by which he can be contacted. Accordingly, there is reason to believe that Powasson no longer intends to prosecute this action at this time, and this Court now

recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT
PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 29, 2021

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).